

January 8, 1976

We had an opinion from the Attorney General. He bucked it to one of his assistants who, contrary to my opinion, ruled that he thought it would be unconstitutional to legislatively decide that the sheriffs should be appointed rather than elected. Rather than fight that uphill struggle, I dropped that issue of requiring appointment rather than election of the sheriff. The bill which this amendment now becomes a provision to regulate the appointment and function of so called "special deputies". This is a crucial problem in Omaha because there are over 200. If Senator Burbach will permit me to use a ranch farming term, over 200 of these "critters" running loose in Douglas County and people don't know who they are. They carry guns, they have altercations with people and then draw their guns. I have a police report from Bellevue where one of the outstanding businessmen in Nebraska got into an altercation, name-calling, loud talking at the Ramada Inn. Then when he was placed under arrest they found a nickel plated pistol in his shoulder holster and he told the Bellevue Police, "I'm a member of the Douglas County Sheriff's Department. I'm a Special Deputy and I'll see that Police Chief Anderson and Sheriff Ted Janning deal with you". Now this came out at a public hearing. I showed the Committee members copies of the police report. I can make it available to any of you who want to see it. These are the kind of problems that do exist with reference to these kind of people.

There were indications made to me of instances where a person might be in a bar. I understand after people have drunk, some of them feel happy and friendly, and others become morose and difficult to get along with. An argument will erupt and a person will draw a gun and pull a badge. That places you, naturally, at a disadvantage. Well a law enforcement function is very important to this society. There are enough problems in trying to deal with sworn officers who are supposed to be properly trained, screened and educated to the duties of their job. When you degrade that position by taking people who might help campaign for you when you run for election and just, in a wholesale way, dispense badges and the right to carry a gun, a concealed weapon, then you create a very volatile and dangerous situation.

There was a confrontation between an armed man and the Omaha Police Division in Omaha. One of these "special deputies" got in the line and started shooting. He said he felt he had the right to do so. When I questioned it the Chief Deputy of the sheriff said he didn't know whether these people had a right to shoot these guns. So when we have these kind of problems that have existed and people don't even know who all these people are then I think these amendments are very reasonable. I'm going to tell you what they do, they allow the appointment of special deputies. In order that some degree of control and responsibility can be injected into this situation these special deputies must be approved by the county board. I don't think anything is wrong with the county board knowing the individuals who are going to be entrusted in certain circumstances with law enforcement functions.